



30 Bank Street
PO Box 350
New Britain, CT 06050-0350
(860) 223-4400
fax (860)223-4488
Visit www.ctbar.org

Testimony of Jonathan Stock, chair
Connecticut Bar Association Law Librarians Section
in **SUPPORT** of
S.B. 235 "AAC the Uniform Electronic Legal Material Act"

Chairman Coleman and Chairman Fox and distinguished members of the Judiciary Committee:

I am Jonathan C. Stock, Chair of the Connecticut Bar Association's Law Librarians Section. Our section supports the enactment of the Uniform Electronic Legal Material Act, otherwise known as UELMA. The CBA Law Librarians Section strongly urges this Committee to approve SB235.

This legislation will provide Connecticut with a technology-neutral, outcomes-based approach insuring that online state legal material deemed official must conform to the same three standards previously demanded of print, namely that said material be authenticated, that previous versions be permanently preserved, and that there be full public access at no or minimal cost.

As law librarians, our position arises from work done by The American Association of Law Libraries and the Southern New England Law Librarians Association. An initial survey, *2007 State-by-State Report on Authentication of Online Legal Resources*, noted that more states were distributing information online, or eliminating their print resources in favor of online resources only. In this process it was noted that there was no assured authentication, preservation and permanent public access for these documents. A subsequent 2009 State-by-State Update demonstrated the ongoing nature of these concerns. Both survey results for Connecticut are available.

I was involved in a 2010 compilation of Connecticut inventory, and I can say that we were shocked to find the absence of authentication for primary electronic legal resources. These results impelled the Law Librarians Sections and like associations to request legislatively the implementation of the Uniform Law that, in 2012, became UELMA. The

CBA Law Librarians Section fully supports this result. It is a position widely shared throughout our state's legal community: recently expressed by The Connecticut Law Tribune in a January 18, 2013 editorial entitled "Pass the Uniform Electronic Legal Material Act."

The Connecticut General Assembly is commended for being at the forefront of considering the authentication of legal information. This legislature created the Paperless Task Force. It then adopted Public Act 11-150, which in Section 28 mandated that the State Librarian—and others establish standards for electronic authentication and preservation with recommendations to encourage UELMA. Last year UELMA passed the Senate on consent the last day of its session.

Only two states thus far, Colorado and California have enacted UELMA.¹ We have, once again, gotten far, but not far enough. Importantly, passage this year has added urgency.

That urgency arises from adoption last year of a closely related bill: P.A. 12-92, *An Act Transitioning the Regulations of Connecticut State Agencies to an Online Format*. Effective July 1, 2013, the public act transfers official publication responsibility from the Commission on Official Legal Publications to the Secretary of the State. Further, P.A. 12-92 §7 (b) (a) designates this online version as "official" and mandates public accessibility. Transferring a state administrative code to electronic format, making same official, and requiring public access embody conditions that UELMA seeks expressly to address. Indeed, P.A. 12-92 renders UELMA adoption vital.

Therefore, the CBA Law Librarians Section strongly urges you to support Senate Bill No. 235, *An Act Concerning the Adoption of the Uniform Electronic Legal Material Act*. It will assure all citizens the same protections with primary law in electronic format as previously they did in print: that such resources shall be authentic, that earlier versions shall be permanently preserved, and that historic commitments to open public access endure. These three assurances safeguard Access to Justice.

Thank you very much for your consideration of this important matter. I would be happy to answer any questions.

¹ 24 Colorado Revised Statutes Article 71.5 Approved April 26, 2012. Effective March 31, 2014; California Government Code Title 2 §10290-10300. Approved September 13, 2012. Effective July 1, 2015.